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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,680	02/06/2001	Cormac Herley	10992881-I	2533
7590	12/21/2004		EXAMINER	
			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/776,680	HERLEY ET AL.	
	Examiner	Art Unit	
	Beemnet W Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. Claims 1, 5, 8, 11, 12 and 15 have been amended and new claims 19-20 have been added on an amendment filed on August 24, 2004. Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-15 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasukawa et al. US Patent 5,999,622 (hereinafter Yasukawa).

4. As per claim 1, Yasukawa teaches a method of partially encrypting an information file for delivery of content comprising:

dividing an information file into a first file and a second file (non-encrypted section and encrypted section) [column 3, lines 53-65 and column 4, lines 16-21], wherein the second file includes content from the information file to preclude reconstruction of the information file using only first file (i.e., in order to form the original file, encrypted segment has to be decrypted) [column 3, lines 53-65], and wherein use limitations are included with the information file to prevent use of the second file to reconstruct the information file more than an authorized number of times [column 6, lines 18-29]

encrypting the second file [column 3, lines 53-65 and column 4, lines 16-21].

5. As per claim 8, Yasukawa teaches a method of receiving an information file in a device comprising:

receiving a first file and a second file (receiving a non-encrypted file and an encrypted file) [column 4, lines 6-21], wherein the second file is encrypted and includes content from the information file to preclude reconstruction of the information file using only the first file (i.e., in order to form the original file, encrypted segment has to be decrypted) [column 3, lines 53-65]; and wherein use limitations are included with the information file to prevent use of the second file to reconstruct the information file more than an authorized number of times [column 6, lines 18-29];

decrypting the second file [column 4, lines 60-64]

combining the first file and the decrypted second file to reconstruct a usable version of the information file [column 3, lines 53-65, column 4, lines 16-21 and column 12, lines 39-45].

6. As per claim 12, Yasukawa teaches a system for partially encrypting an information file for delivery comprising:

a server that divides an information file into a first file and a second file (non-encrypted section and encrypted section) [column 3, lines 53-65 and column 4, lines 5-21], wherein the second file includes content from the information file to preclude reconstruction of the information file using only the first file (i.e., in order to form the original file, encrypted segment has to be decrypted) [column 3, lines 53-65]; and wherein use limitations are included with the information file to prevent use of the second file to reconstruct the information file more than an authorized number of times [column 6, lines 18-29];

a device that receives the first file and the encrypted second file [column 4, lines 12-21], that decrypts the second file [column 4, lines 60-64], and that combines the first file and decrypted second file to reconstruct a usable version of the information file [column 3, lines 53-65, column 4, lines 16-21 and column 12, lines 39-45]; and

a communication path that operably interconnects the server and the device [column 4, lines 6-15].

7. As per claims 2-3, 9 and 13, Yasukawa teaches the method as applied above. Furthermore, Yasukawa teaches transmitting the first file and the encrypted file via the Internet [column 4, lines 6-10].

8. As per claim 4, 10 and 14, Yasukawa teaches the method as applied above. Furthermore, Yasukawa teaches the method, wherein the step of encrypting includes: using an RSA algorithm [column 7, lines 32-37].

9. As per claim 5, 11 and 15, Yasukawa teaches the method as applied above. Furthermore, Yasukawa teaches the method comprising: adding the use limitations to the second file [column 6, lines 18-29].

10. As per claim 18, Yasukawa teaches the method as applied above. Furthermore, Yasukawa teaches the method wherein the device is at least one of a personal computer, a printer and a digital appliance [column 4, lines 7-15].

11. As per claims 19 and 20, Yasukawa teaches the method as applied above. Furthermore, Yasukawa teaches the method wherein the device is a printer which includes an embedded private key needed to decrypt the second file and print the information file [figure 1, and column 6, lines 7-25].

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 6-7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa US Patent 5,999,622 in view of Melnychuck (EP 0 614 308 A1).

14. As per claims 6-7 and 16-17, Yasukawa teaches the method of partially encrypting an information file for delivery of content as applied above. Yasukawa does not explicitly teach dividing the information file comprising selecting parts from the information file via a user selected pattern. However, within the same field of endeavor Melnychuck teaches a partial encryption method including, user selecting parts section of the file [column 1, lines 40-57]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a user selection method for selecting parts from the information file as taught by Melnychuck into the system of Yasukawa, because the modification further allows selection of a file segment based on a users interest.

Response to Arguments

18. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

December 7, 2004



KIM VU
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